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July 2, 2014

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VIA ECF AND FACSIMILE (212.805.7927)

Hon. Naomi Reice Buchwald
United States District Judge
United States District Court for the
Southern District of New York
500 Pearl Street
New York, New York 10007

**Re: *Megason et al. v. Starjem Rest. Corp. d/b/a Fresco by Scotto et al.*
12 Civ. 1299 (NRB) (S.D.N.Y.)**

Dear Judge Buchwald:

We represent the Defendants in the above-referenced matter. We write on behalf of the Parties to provide a joint status update on this matter (*see* Dkt. 74).

The Parties have cooperated to complete discovery in this matter as follows:

- On May 14, 2014, the Parties had an in-person meet-and-confer to discuss the production paper records pertaining to the tip pool and spread-of-hours claims of the class from the relevant time period. The Parties established a protocol for producing the documents in searchable PDF format, to be supplemented with a spreadsheet containing specific categories of information summarized from handwritten tip pool sheets and printed schedules. The Parties agreed to schedule a follow-up meet-and-confer to discuss this summary data, and the Parties' respective positions regarding settlement and/or issues to be tried, once Defendants' summary review of the records was completed.
- On June 9, 2014, Defendants produced more than 6,200 documents, along with a searchable, sortable production index, pursuant to the Parties' discovery protocol.
- On June 17 and June 24, 2014, the Parties conferred regarding Defendants' progress in coding the tip pool worksheets and schedules produced on June 9, 2014.

Defendants expect to provide Plaintiffs with the summary spreadsheet the week of July 7, 2014. Based on our discussions to date, we expect that this summary data will help both Parties narrow the number of issues in dispute regarding Defendants' challenged employment practices. The Parties anticipate scheduling a follow-up meet-and-confer to discuss these issues during the

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weeks of July 7 or July 14, 2014. Accordingly, the Parties propose the following schedule for the Court's consideration:

1. Pre-motion letters regarding motion(s) for summary judgment, if any, shall be submitted on: **August 1, 2014**
2. Joint Pretrial Order (as required by Rule 3.A. of the Court's Individual Practices) shall be submitted on: **August 29, 2014**

Should any issues arise that would impact these dates, or the post-discovery conference to be scheduled by the Court (*see* Dkt. 74), we will update the Court accordingly. In the meantime, should the Court have any questions, please feel free to contact me.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'CRB', with a long horizontal stroke extending to the right.

Craig R. Benson

CRB/nk

cc: D. Maimon Kirschenbaum, Esq., class counsel in *Megason* (via ECF)
Matt Kadushin, Esq., class counsel in *Megason* (via ECF)
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